

**PATENT APPLICATION**  
**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re application of

Docket No: Q94153

Masao SUDOH, et al.

Appln. No.: 10/574,476

Group Art Unit: 1611

Confirmation No.: 2354

Examiner: Marcos L SZNAIDMAN

Filed: April 3, 2006

For: INFUSION PREPARATION CONTAINING (2R)-2-PROPYLOCTANOIC ACID AS  
THE ACTIVE INGREDIENT

**SUBMISSION OF TERMINAL DISCLAIMER**

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

Submitted herewith is a Terminal Disclaimer in the above-identified application. The USPTO is directed and authorized to charge the statutory fee of **\$140.00** and all required fees, except for the Issue Fee and the Publication Fee, to Deposit Account No. 19-4880. Please also credit any overpayments to said Deposit Account.

Respectfully submitted,

/Sunhee Lee/

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CUSTOMER NUMBER

Date: October 15, 2008

**TERMINAL DISCLAIMER TO OBVIATE A PROVISIONAL DOUBLE  
PATENTING REJECTION OVER A PENDING "REFERENCE" APPLICATION**
Docket  
Number

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For: INFUSION PREPARATION CONTAINING (2R)-2-PROPYLOCTANOIC ACID AS THE ACTIVE  
INGREDIENT

The owner\*, ONO PHARMACEUTICAL CO., LTD., of 100 percent interest in the instant application hereby disclaims, except as provided below, the terminal part of the statutory term of any patent granted on the instant application which would extend beyond the expiration date of the full statutory term of any patent granted on pending **reference** Application Number 10/574,477, filed on January 9, 2007, as such term is defined in 35 U.S.C. 154 and 173, and as the term of any patent granted on said **reference** application may be shortened by any terminal disclaimer filed prior to the grant of any patent on the pending **reference** application. The owner hereby agrees that any patent so granted on the instant application shall be enforceable only for and during such period that it and any patent granted on the **reference** application are commonly owned. This agreement runs with any patent granted on the instant application and is binding upon the grantee, its successors or assigns.

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1. ☐ For submissions on behalf of a business/organization (e.g., corporation, partnership, university, government agency, etc.), the undersigned is empowered to act on behalf of the business/organization.

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

2. ☒ The undersigned is an attorney or agent of record.

\_\_\_\_\_  
/Sunhee Lee/

Signature

\_\_\_\_\_  
October 15, 2008

Date

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Typed or printed name

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Reg No.

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- ☒ Terminal disclaimer fee under 37 CFR 1.20(d) or authorization to charge said fee to Deposit Account No. 19-4880 is included.

\*Statement under 37 CFR 3.73(b) is required if terminal disclaimer is signed by the assignee (owner).  
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